

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DENNIS APPEL and
CHRISTOPHER BOSHOF**

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:21CV037-DMB-JMV

**KYLE MILLS TRUCKING & CUSTOM
HARVESTING, LLC and KYLE MILLS**

DEFENDANTS

JOINT MOTION TO HOLD CONTEMPT HEARING IN ABEYANCE

COME NOW, Plaintiffs Appell and Boshoff and Defendants Kyle Mills Trucking & Custom Harvesting, LLC and Kyle Mills, by and through counsel, and file this Joint Motion to Hold Contempt Hearing in Abeyance, and in support thereof, would show unto this Court as follows:

Defendants acknowledge they entered into a settlement arrangement in October 2021. They have alleged that, due to the substantial loss of farm income, they have not been able to meet the terms of the settlement.

The Court set the matter for a contempt hearing currently scheduled for November 4, 2022 at 1:00 PM. Today, the Defendants wrote a check for \$15,000 which their counsel is transmitting to Plaintiffs promptly (along with an additional \$500.00 already paid toward the settlement) in order to begin payment on the \$34,000 total judgment.

Defendants have committed to their counsel they will pay the rest of the monies owed by January 3, 2022. Defense counsel has committed to signing a written agreement and also to negotiating an amount and schedule for payment of attorneys' fees and interest on the settlement amount and any other appropriate payments in light of the delay in payment that occurred.

Given this development, all parties request that the Court postpone the November 4, 2022 hearing and reschedule it soon after January 3, 2022 in order to then evaluate whether the Defendants have kept their commitment to pay the remaining balance owed as well as review any other issues that remain pending, including any unresolved questions relating to attorneys' fees.

The parties will report to the Court on the status of the payments and negotiations on January 4, 2022 and whether there are any issues to resolve at any further hearing.

Due to the straightforward nature of this Motion, the parties ask that the requirement of a memorandum brief be waived.

For these it is respectfully requested that this Court postpone the contempt hearing, hold all pending matters in abeyance, and reschedule it for after January 3, 2023 to address any issues remaining at that time.

RESPECTFULLY SUBMITTED this 2nd day of November, 2022.

JACKS | GRIFFITH | LUCIANO, P.A.

By: /s/ Jamie F. Lee
Jamie F. Lee, MS Bar No. 101881
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Agreed to as to Form and Substance:

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CERTIFICATE OF SERVICE

I, Jamie F. Lee, attorney for Defendants do hereby certify that I have this day filed a true and correct copy of the above and foregoing *JOINT MOTION TO HOLD CONTEMPT HEARING IN ABEYANCE* with the Clerk of Court via the CM/ECF system, which caused notice of filing to be served on all registered counsel of record.

THIS, the 2nd day of November, 2022.

/s/ Jamie F. Lee
JAMIE F. LEE